

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

22-cr-129-wmc

STEPHEN HANS JENKINS,

Defendant.

On December 4, 2023, the court received the November 30, 2023 Forensic Evaluation for defendant Stephen Hans Jenkins, prepared by Dr. Cynthia A. Low, Ph.D. *See* dkt. 33 (sealed). In her report, Dr. Low opines that Jenkins suffers from a mental disorder (Major Neurocognitive Disorder Due To Traumatic Brain Injury) that substantially impairs both Jenkins's present ability to understand these proceedings, as well as Jenkins's ability properly to assist their attorney. *Id.* at 19. Dr. Low states that "[f]ormal competency restoration procedures are thus highly recommended." *Id.* at 20.

At a December 11, 2023 telephonic conference, both sides agreed with Dr. Low's evaluation and recommendation. As a result, pursuant to 18 U.S.C. § 4241(d), I find from the uncontested evidence that Jenkins suffers from a mental disease rendering them mentally incompetent to the extent that they are unable to understand the proceedings against them, and Jenkins is unable to assist properly in their defense.

ORDER

Pursuant to 18 U.S.C. § 4241(d), It is ORDERED that:

1) Defendant Stephen Hans Jenkins is committed to the custody of the Attorney General to be hospitalized for treatment in a suitable facility for up to four months from the date that Jenkins arrives at the treating facility, to determine whether there is a substantial probability that in the foreseeable future Jenkins will attain the capacity to permit this prosecution to proceed;

2) The treating facility promptly shall file a certificate of competency pursuant to 18 U.S.C. § 4241(e) if Jenkins attains the capacity to permit their trial to proceed prior to the conclusion of four months of hospitalization;

3) The treating facility shall file its § 4241(d)(1) report with the court not later than ten calendar days before the conclusion of Jenkins's four-month hospitalization so that the court may determine whether additional hospitalization under § 4241(d)(2) is necessary; and

4) Time continues to be excluded from computation on the speedy trial clock pursuant to 18 U.S.C. §§ 3161(h)(1)(F) and (h)(4).

Entered this 11th day of December, 2023.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge